

# GENERAL SWPPP GUIDANCE PROCESS

## Compliance with 327 IAC 15-5 General Permit for Construction Activities

### Applicability

This Rule applies to all construction activities (includes clearing, grading, and excavating) that results in the disturbance of one (1) acre or more of land area.

Projects that are smaller than one acre may also be regulated by this Rule if it is determined that the project is part of a "larger common plan of development or sale. A "larger common plan of development or sale means a plan, undertaken by a single project site owner or a group of project site owners acting in concert, to offer lots for sale or lease; where such land is contiguous, or is known, designated, purchased or advertised as a common unit or by a common name, such land shall be presumed as being offered for sale or lease as part of a larger common plan. The term also includes phased or other construction activity by a single entity for its own use.

### Step by Step Process for Staying in Compliance with 327 IAC 15-5

If it is determined that the project is subject to 327 IAC 15-5, the project site owner is required to submit specific items to comply with the general permit. Following are a list of steps that should be followed to ensure compliance.

#### **Step 1:**

**Develop a Construction Plan for the project site. A key element of the construction plan includes the Storm Water Pollution Prevention Plan.**

Construction Plan development should include thorough site evaluation and assessment. Each project is unique and therefore requires careful planning to ensure the plan is developed to address the impact of the activities that are planned for the project and the characteristics of the project site.

327 IAC 15-5 requires specific information to be included in a construction plan. This information is contained within 327 IAC 15-5-6.5 and in the attached guidance document entitled "Guidance Document for Plan Content". The guidance document not only includes the required elements, but a brief description of each element and what is expected to be in the plan.

Also available to assist with the development of the construction plan is the Indiana Handbook for Erosion Control in Developing Areas. By the end of 2006, the Indiana Handbook for Erosion Control will be replaced by the Indiana Storm Water Quality Manual.

#### **Step 2:**

**Submit the Construction Plan to the plan reviewing authority. In most situations, the plans are to be submitted to the Soil and Water Conservation District (SWCD) in which the activity is to occur.**

The reviewing authority has up to 28 days from the date of submittal to review the plan.

The project site owner should receive notification from the reviewing agency that the plan has been approved, plan is deficient, or a written notice that the plan will not be reviewed. If a notice is not received, the project site owner or his/her representative should contact the reviewing agency to determine the status of the plan submittal.

If notice of a deficient plan is received, the plans must be revised to satisfy the deficiencies and resubmitted to the reviewing authority, at which time the 28-day review period starts over.

If the plan is deemed sufficient or a letter is received indicating that a formal plan review will not be completed for the project, the project site owner may proceed with submittal of the Notice of Intent.

IDEM has also designated several communities (municipalities and/or counties) that are required to develop their own local program. If the project lies within one of these jurisdictions, plan content will be required to meet local criteria in addition to the items required by 327 IAC 15-5. The plan submittal should be directed to the local entity. For more information on which communities have been designated contact Randy Braun at 317-234-3980.

**Step 3:**

Receive Construction Plan approval from reviewing authority (Modifications to the plan may be requested by the reviewing authority before approval is granted).

**Step 4:**

**Submit Notice of Intent (form located on IDEM's website) to the Indiana Department of Environmental Management (IDEM) a minimum of 48 hours prior to initiation of land disturbing activities. A copy of the Notice of Intent letter should also be submitted to the plan reviewing authority.**

A separate Notice of Intent letter is required for each submitted construction plan. The project site acreage identified in the construction plan must directly correspond to the acreage figures provided in the Notice of Intent letter.

The Notice of Intent submittal must include:

- Proof of Publication in a newspaper of general circulation in the area the project is to occur (sample on IDEM website).
- \$100 general permit filing fee
- Written verification from the plan review authority that the plan was acceptable/approved or the 28-day review period has expired.

**Step 5:**

**Construction activities may commence forty eight (48) hours following submittal of the Notice of Intent.**

Construction activities may not begin prior to Construction Plan approval and submittal of NOI letter. The project site owner must also notify IDEM and the reviewing authority of the actual start date within 48 hours of starting land disturbing activities.

**Step 6:**

**Implement the approved Construction Plan throughout the life of the project.**

It is the responsibility of the project site owner to implement the storm water pollution prevention plan. In addition, it is critical that the site is monitored during the construction process and in field modifications are made to address the discharge of sediment or other pollutants from the project

site. This may require modification of the plan and/or field modification of storm water quality measures to prevent pollutants, including sediment, from leaving the project site. Communicate with the reviewing/inspecting authority, especially when significant changes are made.

**Step 7:**

**Submit a Notice of Termination (form located on IDEM's website).**

The project site owner must:

- Prepare a complete Notice of Termination, with all required supporting documentation
- Submit the Notice of Termination to IDEM
- IDEM will receive verification from the local reviewing authority (SWCD or other entity designated by IDEM) that the project meets the termination requirements as specified in 327 IAC 15-5.
- Once verified by the local reviewing authority, IDEM will issue final approval.

In an effort to expedite project Termination, the project site owner may include verification from the local plan review authority with the submittal of the Notice of Termination.

Eligibility to terminate a Rule 5 permit is based on the following criteria:

In order to terminate coverage of the General Permit, the following must be met:

- All land disturbing activities, including construction on all building lots have been completed and the entire site has been stabilized.
- All temporary erosion and sediment control measures have been removed.

### **Agency Information and Contacts**

- Storm Water Construction Program Website:

**<http://www.in.gov/idem/permits/water/wastewater/wetwthr/storm/rule5.html>**

- **Contact Information:**

Rule 5 Coordinator  
IDEM, Office of Water Quality  
100 North Senate Avenue  
MC 65-42 IGCN 1255  
Indianapolis, Indiana 46204

Phone: 317-233-1864  
FAX: 317-232-8637

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Storm Water Program Manager  
IDEM, Office of Water Quality  
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## **Interim Policy for Implementation of the Phase II Version of 327 IAC 15-5**

### **Guidance on each of the 23 basic elements follows:**

#### **A1 Plan Index showing locations of required items:**

This is a critical element and must be satisfied to approve the plan.

The plan index should include a list of the required items in the rule and where they occur in the plan. Plan preparers often have their plan index mirror items in our standard plan review checklist. Placing a high level of importance on the plan index may seem trivial; however it is critical to the efficiency of the plan review process. With the threshold of projects dropping from 5 to 1 acre disturbed, the workload for plan reviews will significantly increase. It is important that the reviewer complete plan reviews in a timely manner. The presence of the index should significantly increase the speed of the plan review process.

#### **A2 11 X 17 inch plat showing building lot numbers/boundaries and road layout/names:**

This is a critical element and must be satisfied to approve the plan.

The reduced size plat of the project is intended to be a basic representation of the project layout. At a minimum it should include building lot boundaries, lot numbers, road layout, and road names. It is not intended to be a complete representation of the construction plan or the stormwater pollution prevention plan. The purpose of the reduced plat is primarily to provide staff a simplified layout of the project that can be used as an aide when conducting an inspection of the project site.

The plat should be legible, therefore based on the size of the project it is acceptable to have multiple sheets of 11 X 17.

*(This item is not required for single-family residential developments of 4 lots or less and single-family residential strip developments)*

#### **A3 Narrative describing project nature and purpose:**

This is a critical element and must be satisfied to approve the plan.

The plan should include information regarding the nature and purpose of the project. Typically this information would appear in a narrative; however it is also acceptable for the plan reviewer to determine the nature and purpose of the project from other information contained in the plan.

#### **A4 Vicinity map showing project location:**

This is a critical element and must be satisfied to approve the plan.

The plan should include a map that depicts the site in relation to other areas in the city or county and should be sufficient for someone not familiar with the area to find the project site location. Acceptable map types include USGS topographic maps, county road maps, city street maps, custom drawn maps, etc. (as long as they adequately depict the site location).

#### **A5 Legal Description of the Project Site:**

This is a critical element and must be satisfied to approve the plan.

The legal description of the project site should be identified to the nearest quarter section and include township and range coordinates, and Civil Township name. While the longitude and latitude coordinates are not a requirement of the plan; the checklist does mention these items to encourage inclusion by the plan preparer.

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### **A6 Location of all lots and proposed site improvements:**

This is a critical element and must be satisfied to approve the plan.

Lot boundaries and numbers are required to be shown on the plan. In addition, the plan should show all proposed site improvements, including but not limited to utilities, roads (names, if available), structures, and common areas.

Single lot projects should show the location of any proposed structures.

### **A7 Hydrologic unit code:**

The hydrologic unit code should be identified to the 14 digit code. The code identified in the plan should represent the watershed(s) in which the project is located.

Field offices may need to assist applicants in acquiring this information. This information is available

### **A8 Notation of any State or Federal water quality permits:**

The plan should identify any permits required related to water quality, such as Construction in a Floodway from DNR, 401 Water Quality Certification from IDEM, 404 permits from US Army Corps of Engineers, etc.

It is not necessary for the project site owner to possess permits applicable to his/her project to receive approval of their plan pursuant to 327 IAC 15-5.

### **A9 Specific points where stormwater discharge will leave the site:**

The plan should clearly identify where stormwater will exit the site. It is not necessary that the location be identified with a note on the plan, unless it is not clear from the topographic or storm drainage system information.

### **A10 Location and name of all wetlands, lakes, and water courses on and adjacent to the site:**

This information is important in evaluating the proposed stormwater pollution prevention measures to insure that they are adequate and appropriate to reduce the impact to natural areas associated with the project site. Identification of nearby watercourses and lakes may place an additional importance on sediment control in a particular area of the project.

### **A11 Identify all Receiving Waters:**

The plan should identify all named streams, or other water bodies that will potentially receive runoff from the project site. If the discharge is to a municipal storm sewer, the plan should identify the owner of the storm drain system as well as the ultimate receiving water for the storm drain system.

### **A12 Identification of potential discharges to groundwater:**

The plan should include the location of all areas where stormwater may be potentially discharged to groundwater. These areas include sinkholes or uncapped abandoned wells, which may be located on the project site or downstream of the project site and could potentially be impacted by stormwater discharge. It could also include stormwater infiltration practices such as drywells, which may be planned as part of the project. These areas need to be clearly located in the plan, with adequate protection measures to prevent contaminated runoff from entering the groundwater. Abandoned wells should be properly capped.

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### **A13 100 Year Floodplains, floodways, and floodway fringes:**

This information is relevant to the project if a stream is located on or near the property. If applicable to the project site, the plan should at a minimum include a discussion of their existence and to further extent delineation on the plan. If there is not a stream in close proximity, it is not a critical item, if not addressed.

### **A14 Pre-construction and post construction estimate of Peak Discharge:**

This information is a required element of the plan and has been included to place emphasis on the impact projects can have related to runoff quantities and velocities.

There are several acceptable methods of calculating these figures, including the rational method, TR55, etc.

*(This item is not required for single-family residential developments of 4 lots or less and single-family residential strip developments)*

### **A15 Adjacent landuse, including upstream watershed:**

This information provides a basis to evaluate the overall project including potential downstream impacts, but also other contributing factors that are discharging onto the project site. It is important to have an understanding of the impact the project may have on surrounding properties and sensitive areas, but also have an understanding of the runoff and other potential pollutants that may be discharged from areas in the watershed above the project.

The intent of this element is to identify the types of landuse, such as single-family residential, multi-family residential, commercial, agricultural, forested, etc.

### **A16 Locations and approximate boundaries of all disturbed areas:**

The plan should identify the construction limits of the project. The extent of disturbance has a profound impact on what practices may be necessary to adequately control erosion and the resulting sediment. If disturbance boundaries are not identified inside of the property boundary, the plan reviewer should consider the entire site as being disturbed for the purposes of evaluating the proposed stormwater pollution prevention measures.

### **A17 Identification of existing vegetative cover;**

The plan should delineate the boundaries of major vegetative cover types, such as grass, brush, trees, etc. It is not necessary for the plan to identify individual vegetative species.

### **A18 Soils map including descriptions and limitations:**

Each plan should provide a soil map for the project site. The map should be accompanied by descriptions of each soil type that occurs on the site. A legible copy of the appropriate soil map from the USDA soil survey for the county is sufficient. Boring logs and a geotechnical report or site mapping by a soil scientist should also be considered acceptable means of satisfying this requirement.

In addition to a soil map and a description of the soil types, the plan should include a discussion of the soil characteristics and limitations associated with the project site and the measures that will be integrated into the project to overcome any limitations. For example, if sanitary sewer does not service the site and on-site septic systems will be used for waste disposal, the plan preparer should provide information concerning the suitability of the soil and the type of systems that will be required to overcome soil limitations.

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### **A19 Locations, size and dimensions of proposed stormwater systems:**

All proposed stormwater systems, including swales, channels, piping, culverts, etc. should be clearly shown in the plan. In addition to location, the plan should include the size and dimensions of the specific stormwater systems.

This is a critical element, and the plan should be returned to the applicant for revision, if this item is not adequately depicted in the plan.

### **A20 Plan for any off-site construction activities associated with this project:**

This is a critical element and must be satisfied to approve the plan.

Any off-site services such as sanitary sewers, waterlines, other utilities, roads, etc. which are off of the proposed project site, but are necessary to provide service to the project must be included in the plan submitted for the project, if the project site owner is responsible for paying for the off-site service.

If the utility or local government is paying for the construction of the off-site tie-in, then they do not need to be included as part of the project submittal, but should be submitted separately, if the disturbance will be 1 acre or more.

It is important that the project site owner realize that all land disturbance associated with their project is subject to compliance with the rule. The same burden of compliance is necessary for these off-site areas as they are for the project site itself. If there are not off-site activities, or others are conducting the off-site activities, a simple note to that affect should be sufficient to satisfy this requirement.

### **A21 Locations of proposed soil stockpiles, borrow and/or disposal areas:**

This is a critical element and must be satisfied to approve the plan.

Similar to item A20, this information needs to be submitted as part of the plan. Often times borrow and disposal areas occur off of the project site. Unless these areas are commercially operated facilities, they need to be included as part of the plan submittal. These areas must also be included when they occur on site. If there are no stockpile, borrow or disposal areas planned, a simple note to that affect should be sufficient to satisfy this requirement.

### **A22 Existing site topography at an interval appropriate to show detailed drainage patterns:**

This is a critical element and must be satisfied to approve the plan.

This information is critical to properly evaluate the adequacy of the proposed stormwater pollution prevention measures. Site topography may be depicted in multiple ways such as continuous contour lines and spot elevations (as long as there are a sufficient number of locations to be able to visualize the site topography). A graphical profile of the project may also be acceptable for highway, road, utility and other lineal projects.

### **A23 Proposed final topography at an interval appropriate to show detailed drainage patterns:**

This is a critical element and must be satisfied to approve the plan.

This information is critical to properly evaluate the adequacy of the proposed stormwater pollution prevention measures. Site topography may be depicted in multiple ways such as continuous contour lines and spot elevations (as long as there are a sufficient number of locations to be able to visualize the site topography). A graphical profile of the project may also be acceptable for highway, road, utility and other lineal projects.

**Assessment of Stormwater Pollution Prevention Plan – Construction Component (Section B)**

**B1 Description of potential pollutant sources associated with the construction activities:**

This item is included in the rule to place an emphasis on identification of pollutants that are associated with construction activity. In the past, the emphasis has been on sediment reduction; however the rule requires the plan preparer to identify other potential pollutants and their sources. Potential pollutant sources include material and fuel storage areas, fueling locations, exposed soils, leaking vehicles and equipment, etc.

To satisfy this item, the plan needs to contain a written description of the expected pollutants that could enter stormwater during the construction operation, and where those potential pollutants might be generated. In addition, the plan preparer should include a discussion of measures or operational activities that will be initiated to minimize the danger of pollutants entering stormwater.

*(This item is not required for single-family residential developments of 4 lots or less and single-family residential strip developments)*

**B2 Sequence describing stormwater quality measure implementation relative to land disturbing activities:** Each plan should contain multiple stormwater pollution prevention measures. All measures will not be installed at the same time. Various measures will be installed at different times throughout the construction process. Some will be installed prior to any land disturbance, such as the construction entrance and some initial perimeter sediment control measures. Others may not be necessary until work at the site progresses to an area where they are necessary. Each proposed measure should be identified in the sequence as to when it is to be installed in relation to land disturbing activities. Specific dates of installation are not necessary or the intent of this requirement.

**B3 Stable construction entrance locations and specifications:** All projects with the exception of some lineal projects and residential strip developments should have a stable construction entrance. All access points to a project must have a stabilized entrance. The plan should clearly show the location of all proposed stable entrance locations, as well as specifications and construction details regarding how the stable entrance is to be constructed and maintained.

**B4 Sediment control measures for sheet flow areas:** This item is intended to evaluate the areas of the site where runoff will be primarily in a sheet flow condition. The reviewer should evaluate these areas and the proposed sediment control measures to insure that the proposed measures are adequate for the situation. Each proposed measure must be accompanied by construction details and specifications.

**B5 Sediment control measures for concentrated flow areas:** This item is intended to evaluate the areas of the site where runoff will be primarily in a concentrated flow condition. The reviewer should evaluate these areas and the proposed sediment control measures to insure that the proposed measures are adequate for the situation. Each proposed measure must be accompanied by construction details and specifications.

**B6 Storm sewer inlet protection measure locations and specifications:** If surface inlets, including curb inlets, are present, the plan should include protection measures to prevent sediment from entering the storm drain system. The proposed practices should be appropriate for the type of inlet it is proposed to protect. Alternate measures, such as seeding and curbside protection may be considered as adequate protection, if sufficient to prevent sediments from entering the street and curb inlets. Each proposed measure must be accompanied by construction details and specifications.



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**B7 Runoff control measures:** This item refers to measures such as diversions, rock check dams, slope drains, etc. These types of measures may not be necessary on every project. However, if the plan reviewer feels that they are necessary, the plan should be evaluated as to whether the issue was adequately addressed in the plan. Each proposed measure must be accompanied by construction details and specifications.

**B8 Stormwater outlet protection specifications:** All stormwater discharge locations need to be adequately protected to prevent scour erosion. The plan should specify protection measures appropriate for the situation. Each proposed measure must be accompanied by construction details and specifications.

**B9 Grade Stabilization structure locations and specifications:** This item refers to measures such as rock chutes, toe wall and drop structures, etc. These types of measures may not be necessary on every project. However, if the plan reviewer feels that they are necessary, the plan should be evaluated as to whether the issue was adequately addressed in the plan. Each proposed measure must be accompanied by construction details and specifications.

**B10 Location, dimensions, specifications and construction details of each stormwater quality measure:** Each proposed measure should be clearly located in the plan. Some plans may not provide the location in a pictorial format on the plan drawings, but may provide clear text or a table to depict where various practices should be located. This should be adequate to satisfy the requirement as long as the reviewer can determine the location in the plan. Each proposed measure must also be accompanied by construction details and specifications.

Temporary or permanent surface stabilization is required on any bare or thinly vegetated area that is scheduled or likely to remain inactive for a period of 15 days or more.

**B11 Temporary surface stabilization methods appropriate for each season:** The plan should provide detailed specifications, including sequencing information, regarding which stabilization methods are to be employed. There should be multiple methods, as the various seasons need to be considered. Even if the project is expected to be short lived, these seasonal options must be supplied. Delays are common in the construction industry and projects take longer than expected. The plan needs to cover these contingencies.

For applications that include seeding, the plan preparer should provide application rates for soil amendments and seed mixtures. The type and application rate for anchored mulch.

**B12 Permanent surface stabilization specifications:** The permanent stabilization methods should be clearly specified, including sequencing information, in the plan.

The plan preparer should provide application rates for soil amendments and seed mixtures and the type and application rate for anchored mulch.

**B13 Material handling and spill prevention plan:** The plan should include a list of expected materials that may be present on the site during construction operations. A written description of how these materials will be handled to minimize the potential the materials will enter stormwater runoff should accompany the list of materials. There should also be procedures directing the contractor on the required response to any spills that may occur during construction operations.

*(This item is not required for single-family residential developments of 4 lots or less and single-family residential strip developments)*

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### **B14 Monitoring and maintenance guidelines for each proposed pollution prevention measure:**

Each proposed measure must be accompanied by instructions for evaluating the practice for maintenance needs once installed.

The maintenance guidelines for the project should also include instructions on how the monitoring and maintenance procedures are to be carried out. The Phase II version of the rule requires that the project site owner or their representative, knowledgeable in erosion and sediment control, inspect the site for stormwater pollution prevention deficiencies at least weekly and again within 24 hours of every ½ inch rain event. The plan should clearly describe these required maintenance procedures.

**B15 Erosion & Sediment control specifications for individual building lots:** If the project has multiple lots where independent activities are likely to occur, the plan should provide clear guidance as to the required minimum standards for erosion and sediment control during construction operations on the individual lots. The Phase II version of the rule places specific requirements on activities conducted on individual building lots. The minimum standards in the plan should meet the minimum lot requirements established in Section 7.5 of the rule, and should follow the standards set forth in the "Erosion and Sediment Control for Individual Building Lots" brochure available on the Division of Soil Conservation's website. The plan reviewer should also take into account the relative size of the lots and steepness of the lots when determining whether provisions in the plan appear to be adequate.

### **Reviewing plan for Rule 5 post construction requirements**

There are several new requirements in the revised version of 327 IAC 15-5. Several of these new requirements involve the potential pollutants that will be generated from the completed project. Every landuse has certain pollutants that are generated simply based on the facility or the activities being conducted on the property. The intent of the Clean Water Act rules established by US EPA is to minimize pollutants generated from new construction projects, including the post construction pollutants that will be generated by the proposed landuse change. 327 IAC 15-5 has incorporated requirements to address these issues.

The post construction stormwater pollution prevention plan must include the implementation of stormwater quality measures to address pollutants that will be associated with the final landuse of the project. Post construction stormwater quality measures should be functional upon completion of the project. Long-term functionality of the measures is critical to their performance and should be monitored and maintained. The intent of these provisions in the regulation is not to just simply plug in practices to treat the expected post construction pollutants. Emphasis should be on designing the project, or modifying the design of a project, to minimize the generation of pollutants in the first place. It will be impossible for current and future landowners to eliminate all potential pollutants. Once design considerations have been made to minimize the generation, then additional practices may need to be added to the project to treat the runoff and trap the pollutants that could not be prevented. The main objective is that everyone realizes that all types of landuse carry with them pollutants and pollutant sources, and that it is possible to modify the project site design to reduce the pollutant sources and, with additional treatment practices, reduce the amount of pollutants potentially impacting the environment.

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### **Phased in review requirements for post construction**

The post construction requirements of the revised rule need to be phased in. There are several reasons to phase in of the requirements for post construction: (1) staff responsible for reviewing the plan need training and time to determine adequate measures to meet the new requirements; (2) the consultant community and others preparing plan need time to become familiar with this new set of requirements; and (3) many projects being submitted at, or shortly after, the effective date of the revised rule will already have completed plan, some of which may have already received local planning approval. While the state is not obligated to consider the date of local planning approval, it seems an undue burden to force a project to go back through the planning approval process for a significant design change to meet rule requirements.

Projects need to comply with the post construction requirements set forth in 327 IAC 15-5-6.5(a)(8). The following descriptions should help in determining whether the information submitted in a plan is sufficient to comply with the intent of the rule.

### **Stormwater Pollution Prevention Plan – Post Construction Component (Section C)**

*(This section of items is not required for single-family residential developments of 4 lots or less and single-family residential strip developments)*

#### **C1 Description of pollutants and their sources associated with the proposed land use.**

*(This checklist item relates to 327 IAC 15-5-6.5(a)(8)(A) A description of potential pollutant sources from the proposed land use, which may reasonably be expected to add a significant amount of pollutants to stormwater discharges.)*

The plan should include a narrative description that discusses the proposed project and the expected pollutants that typically are generated by this type of landuse. The description should also discuss the sources of these pollutants within the finished project site (e.g., oil, grease, antifreeze, brake fluid, brake dust, rubber fragments, gasoline, diesel fuel and other hydrocarbons, and metals from vehicular and other sources, grit (sediment) from wearing of the road surface and falling or washing off of vehicles, trash (including bacteria and other biological agents contained in the trash) from littering and other types of improper disposal or storage, and elevated receiving water temperatures from stormwater runoff contact with impervious surfaces). This is a critical element of the rule requirements, and must be included in a plan submitted on, or after, the effective date of the revised rule

If the plan submitted do not supply this kind of information, or the reviewer does not feel that a legitimate effort was made to appropriately characterize the pollutant constituencies and their sources, then the plan must be denied approval and notification returned to the project site owner that the plan were deficient with the following standard comment.

**Standard Comment C1:** The Phase II version of 327 IAC 15-5 requires that potential pollutants and their sources be identified for the proposed completed project. This information was not adequately provided in the documents submitted for review. The plan cannot be approved until this information is adequately addressed.

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### **C2 Sequence describing stormwater quality measure implementation.**

*(This checklist item relates to 327 IAC 15-5-6.5(a)(8)(D) A sequence describing when each post construction stormwater quality measure will be installed.)*

The plan should provide a sequence of when the proposed post construction stormwater quality measures will be installed. Pay close attention to practices, like basins or ponds that could be utilized during construction for sediment control. They should not be installed late in the project simply to reduce cleanout burdens.

During the phase in period, this item may be excused due to the fact that significant planning and possible local approves have taken place prior to the effective date of the rule. However, it is important to provide this information for all proposed post construction measures. If post construction stormwater pollution prevention measures are not being proposed as part of the project, but appropriate discussion has been provided relative to possible post construction considerations in item C3, the following standard comment should be inserted into the comment section of the plan review.

**Standard Comment C2:** A sequence describing when each post construction stormwater quality measure will be installed is a required element of an adequate Stormwater Pollution Prevention Plan. However, in consideration of the extensive planning effort which occurred prior to the effective date of the Phase II version of 327 IAC 15-5, full compliance with item is being excused at this time. Future projects and plan submittals will be expected to fully comply with this rule requirement.

### **C3 Description of proposed post construction stormwater quality measures.**

*(This checklist item relates to 327 IAC 15-5-6.5(a)(8)(C) A description of measures that will be installed to control pollutants in stormwater discharges that will occur after construction activities have been completed. Such practices include infiltration of run-off, flow reduction by use of open vegetated swales and natural depressions, buffer strip and riparian zone preservation, filter strip creation, minimization of land disturbance and surface imperviousness, maximization of open space, and stormwater retention and detention ponds, 327 IAC 15-5-6.5(a)(8)(E) Stormwater quality measures that will remove or minimize pollutants from stormwater run-off, and 327 IAC 15-5-6.5(a)(8)(F) Stormwater quality measures that will be implemented to prevent or minimize adverse impacts to stream and riparian habitat.)*

Items C, E & F from the rule listed above require similar information and may be provided in a single narrative description within the plan. The reviewer needs to be familiar with each of these requirements and be conscious that multiple requirements may be satisfied within a single description.

The plan should include a narrative description that discusses how the project was designed to minimize the generation of post construction pollutants, and how the proposed post construction stormwater quality measures will improve the quality of the stormwater discharge from the finished project. Many times, it will be possible for a project to comply without installing elaborate and expensive treatment systems. Reducing impervious surfaces and increasing vegetative surfaces to trap pollutants may be sufficient. Sometimes, management practices, such as more frequent street sweeping or reduced fertilizer and pesticide applications, may have a significant positive impact on stormwater quality. Once again, this description is a critical requirement of the rule, and must be included in the plan

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When reviewing for the post construction requirements, the reviewer needs to be aware that many of the structural post construction water quality measures will need to be approved by a local authority, especially if the local authority will be assuming responsibility for the long-term operation and maintenance of the measure. Extra effort may need to be made by the reviewing personnel to insure that there is good communication between agencies to minimize confusion and conflicts. There are usually multiple measures that would satisfy a particular concern, and all parties must concur on the selected measures.

If a stream is located on, or near, the project site, the plan preparer should provide a narrative description of what measures were specifically implemented or how the project was designed to protect the stream from post construction pollutants.

Remember, the reviewer emphasis should be on encouraging project design that minimizes the generation of the post construction pollutants. The reviewer should take into account the overall design of the project and how this design style may benefit the post construction water quality. The plan preparer should identify these design considerations in the narrative description, identifying the expected environmental benefits

This is a critical element even during the phase in period. If the plan submitted do not supply this kind of information, or the reviewer does not feel that a legitimate effort was made to discuss what modifications were made (or could have been made (acceptable during the phase in period only)) to reduce potential stormwater pollutants, then the plan must be denied approval and notification returned to the project site owner that the plan were deficient with the following standard comment.

**Standard Comment C3:** The Phase II version of 327 IAC 15-5 requires that a description of the proposed post construction stormwater quality measures and their expected water quality benefits be supplied as part of the plan. This information was not adequately provided in the documents submitted for review. The plan cannot be approved until this information is adequately addressed.

**C4 Location, dimensions, specifications and construction details of each stormwater quality measure.** *(This checklist item relates to 327 IAC 15-5-6.5(a)(8)(B) Location, dimensions, detailed specifications, and construction details of all post construction stormwater quality measures.)*

All proposed post construction stormwater quality measures should be clearly shown on the plan, and should include specifications and construction details similar to those that have long been required for erosion and sediment control measures during construction

During the phase in period, the plan should, at a minimum, provide some discussion regarding what measures could be implemented to reduce the post construction pollutants. The reviewer should encourage the design of projects to minimize post construction pollutants. However, we need to be conscious of the burden to project site owners when project design was completed some time ago and local planning approvals have been granted.

During the phase in period, this item may be excused due to the fact that significant planning and possible local approves have taken place prior to the effective date of the rule. However, it is important to provide this information for all proposed post construction measures. If post construction stormwater pollution prevention measures are not being proposed as part of the project, but appropriate discussion has been provided relative to possible post construction considerations in item C3, the following standard comment should be inserted into the comment section of the plan review.

## **Interim Policy for Implementation of the Phase II Version of 327 IAC 15-5**

**Standard Comment C4:** Locations, specifications and construction details for all post construction stormwater quality measures are required elements of an adequate Stormwater Pollution Prevention Plan. However, in consideration of the extensive planning effort which occurred prior to the effective date of the Phase II version of 327 IAC 15-5, full compliance with this item is being excused at this time. Future projects and plan submittals will be expected to fully comply with this rule requirement.

**C5 Description of maintenance guidelines for proposed post construction water quality measures.** *(This checklist item relates to 327 IAC 15-5-6.5(a)(8)(G) A narrative description of the maintenance guidelines for all post construction stormwater quality measures to facilitate their proper long term function. This narrative description shall be made available to future parties who will assume responsibility for the operation and maintenance of the post construction stormwater quality measures.)*

All proposed measures must be accompanied by guidelines for monitoring and maintenance. If manufactured products are involved, the manufacturer should be able to provide detailed information about monitoring and maintenance procedures and frequencies. The plan should also identify the parties or individuals that will be responsible for the future long-term maintenance. This identification does not need to be a name of an individual, as they may not be known at the time of plan submittal. A description of the entity (e.g., homeowner's association, name of the government department, if the measures will be turned over to the local government, etc.) should be sufficient.

During the phase in period, this item may be excused due to the fact that significant planning and possible local approves have taken place prior to the effective date of the rule. However, it is important to provide this information for all proposed post construction measures. If post construction stormwater pollution prevention measures are not being proposed as part of the project, but appropriate discussion has been provided relative to possible post construction considerations in item C3, the following standard comment should be inserted into the comment section of the plan review.


**Standard Comment C5:** A narrative description of the maintenance guidelines for all post construction stormwater quality measures to facilitate their proper long-term function is a required element of an adequate Stormwater Pollution Prevention Plan. However, in consideration of the extensive planning effort which occurred prior to the effective date of the Phase II version of 327 IAC 15-5, full compliance with this item is being excused at this time. Future projects and plan submittals will be expected to fully comply with this rule requirement.

If an unvegetated area is to be left inactive for 15 days or more, measures appropriate to the season must be taken to prevent erosion, such as a temporary seeding with mulch properly anchored to the soil surface.

Where dewatering is done by drainage, ditch or pumping, the water must be filtered through a grass filter, sediment basin, rock sediment trap or other appropriate measure before exiting the site or entering a water course. Likewise, water must be discharged in a manner that does not cause erosion at or downstream of the point of discharge.

#### **Where do I find:**

##### **The 14 digit Hydrologic Unit Code?**

- Go to the following URL to open the Web site of the Indiana Statewide GIS Atlas:  
<http://igs.indiana.edu/arcims/statewide/index.html>
- Locate the Interactive Maps section and click on the "CLICK HERE TO CREATE INTERACTIVE MAPS" link. This will open a page titled "A GIS Atlas of Indiana"
- Under the section for Map Layers it should be at the default PLSS State Boundary layer
- Click on the link "Zoom to location or area" at the top of the page
- Use the Zoom tools in the right frame to Zoom into the area desired. You should get to a level of local roads being displayed.
- Click on the link for "Map Layers" at the top of the page
- Open the Hydrology folder by clicking on the plus (+) icon next to it or on the folder icon; then check the box for Watershed Huc14.
- Once that box is selected a new active layer is added to the drop down menu under map layers. Select Watershed HUC14 in the drop down menu to make it the active layer.
- Now select the Identify option  off the toolbar. Then place your cursor over the region of concern, left click and a table will appear with the information.

##### **Floodplain map?**

Check the Flood Insurance Rate Map (FIRM) or Flood Insurance Study (FIS) maps for your area. Note that the floodplain consists of the floodway and the fringe area. The flood way is the corridor along the watercourse and the fringe is the area of flooding away from the flow path.

##### **Latitude and Longitude?**

EPA maintains a web site (<http://cfpub.epa.gov/npdes/stormwater/latlong.cfm>) to obtain a project site's longitude and latitude, which is required on the Rule 5 NOI letter form. The following directions will help guide you through the web site: (1) scroll down to the heading titled "Internet Siting Tools", and select the provided link; (2) enter the requested information to open the area map corresponding to your project site (the subsequent viewed image can be moved by pressing an appropriate directional arrow); (3) once the highest zoom setting is selected, an aerial photograph will be shown; and (4) place and click the cursor on the desired location on the photograph, and the latitude and longitude be displayed below the photograph.

##### **More specific information on Rule 5?**

Additional information can be found at the following website:  
[www.in.gov/idec/water/npdes/permits/wetwthr/storm/rule5.html](http://www.in.gov/idec/water/npdes/permits/wetwthr/storm/rule5.html)

If you need more assistance, contact your NRCS Area Engineer.

MINIMUM. SAMPLE COPY:



Indiana Department of Environmental Management  
**Notice of Intent (NOI)**  
Storm Water Runoff Associated with Construction Activity  
NPDES General Permit Rule 327 IAC 15-5 (Rule 5)

Submission of this Notice of Intent letter constitutes notice that the project site owner is applying for coverage under the National Pollutant Discharge Elimination System (NPDES) General Permit Rule for Storm Water Discharges Associated with Construction Activity. Permitted project site owners are required to comply with all terms and conditions of the General Permit Rule 327 IAC 15-5 (Rule 5).

Check the type of Submittal: ☒ Initial ☐ Amendment, ☐ Renewal ☐ Extension

**Project Name and Location:**

- Project Permit # \_\_\_\_\_ Project Name: Lowe's Outlot - Lot One, Michigan City, IN
- County: La Porte
- Brief Description of Project Location: At the NE corner of Franklin Street & Larkspur Lane; all in Michigan City, IN
- Latitude 41°40'18"N and Quarter W Section 9
- Longitude 86°53'37"W Township 37N Range 4W
- Does ☒ all or ☐ part of this project lie within the jurisdictional boundaries of a Municipal Separate Storm Sewer System (MS4) as defined in 327 IAC 15-13? ☒ Yes ☐ No If yes, please name the MS4(s): Michigan City Sanitary District

**Project Site Owner and Project Contact Information:**

- Company Name (If Applicable): Maly Commercial Realty, Inc.  
Project Site Owner's Name (An Individual): Otto Maly Title/Position: Owner  
Address: 2200 Forum Blvd. - Suite 105  
City: Columbia State: Missouri Zip: 65203  
Phone: (219)874-7799 FAX: (219)874-8053 E-Mail Address (If Available): \_\_\_\_\_
- Ownership Status (check one): Governmental Agency: ☐ Federal ☐ State ☐ Local  
Non-Governmental: ☐ Public ☒ Private ☐ Other (Explain): \_\_\_\_\_
- Contact Person: Kenneth J. Kraus Affiliation with Project Site Owner: Engineer  
Address (if different from above): Haas & Associates, L.L.C., 826 Franklin Square  
City: Michigan City State: Indiana Zip: 46360  
Phone: (219)872-9407 FAX: (219)872-9489 E-Mail Address (If Available): kennjk@haasllc.com

**Project Description:**

☐ Residential-Single Family ☐ Residential-Multi-Family ☒ Commercial ☐ Industrial ☐ Other:

**Discharge Information:**

- Name of Receiving Water: Kintzele Ditch (via Michigan City, Indiana storm sewers)  
(If applicable, name of municipal operator of storm sewer. Please note that even if a retention pond is present on the property, the name of the nearest possible receiving water is required).

**Project Acreage:**

- Total Acreage: 2.2 Acres Proposed Acreage to be Disturbed: 2.2 Acres
- Total Impervious Surface Area (Estimated for Completed Project): 1.97 Acres; (85813) Square Feet

**Timetable (Maximum of 5 Years):**

- Start Date: Oct 2007 and Estimated End Date for all Land Disturbing Activity: June 30, 2008  
(Continued on Reverse Side)



**Construction Plan Certification:**

**By signing this Notice of Intent letter, I certify the following:**

- A. The storm water quality measures included in the Construction Plan comply with the requirements of 327 IAC 15-5-6.5, 327 IAC 15-5-7, and 327 IAC 15-5-7.5;
- B. the storm water pollution prevention plan complies with all applicable federal, state, and local storm water requirements;
- C. the measures required by section 7 and 7.5 of this rule will be implemented in accordance with the storm water pollution prevention plan;
- D. if the projected land disturbance is One (1) acre or more, the applicable Soil and Water Conservation District or other entity designated by the Department, has been sent a copy of the Construction Plan for review;
- E. storm water quality measures beyond those specified in the storm water pollution prevention plan will be implemented during the life of the permit if necessary to comply with 327 IAC 15-5-7; and
- F. implementation of storm water quality measures will be inspected by trained individuals

**In addition to this form, I have enclosed the Following:**

- ☒ Verification by the reviewing agency of acceptance of the Construction Plan.
- ☒ Proof of publication in a newspaper of general circulation in the affected area that notified the public that a construction activity is to commence, including all required elements contained in 327 IAC 15-5-5 (9).
- ☒ \$100 check or money order payable to the Indiana Department of Environmental Management. If the project lies solely within the permitted jurisdiction of an MS4 and is regulated by the MS4 under 327 IAC 15-13 – a fee is not required with submittal of this Notice of Intent.

A permit issued under 327 IAC 15-5 is granted by the commissioner for a period of five (5) years from the date coverage commences. Once the five (5) year permit term duration is reached, a general permit issued under this rule will be considered expired, and, as necessary for construction activity continuation, a new Notice of Intent letter would need to be submitted ninety (90) days prior to the termination of coverage.

**Project Site Owner Responsibility Statement:**

By signing this Notice of Intent letter, I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information or violating the provisions of 327 IAC 15-5, including the possibility of fine and imprisonment for knowing violations.

Printed Name of Project Owner: Orto Maly, Owner – Maly Commercial Realty, Inc.

Signature of Project Owner: [Signature]

Date: 9-28-07

**This Notice of Intent must be signed by an individual meeting the signatory requirements in 327 IAC 15-4-3(g)**

Mail this form to: **Indiana Department of Environmental Management  
Office of Water Quality, Storm Water (Rule 5) Desk  
100 North Senate Avenue, P.O. Box 6015  
Indianapolis, IN 46206-6015**

**327 IAC 15-5-6 (a) also requires a copy of the completed Notice of Intent letter be submitted to the local Soil and Water Conservation District or other entity designated by the Department, where the land disturbing activity is to occur.**

Questions regarding the development of the Construction Plan and/or field implementation of 327 IAC 15-5 may be directed to your local Soil and Water Conservation District office or the Department of Natural Resources at 317-233-3870. Questions regarding the Notice of Intent may be directed to the Rule 5 contact person at 317/233-1864 or 800/451-6027 ext 31864.

SAMPLE  
COPY

LEGAL NOTICE

In compliance with 327 IAC 15-5 (Rule 5), notice is hereby given that construction of Lowe's Outlot - Lot One located in Coolspring Township in Michigan City in La Porte County, Indiana on Franklin Street at Larkspur Lane is scheduled to commence in October, 2007 and construction should be completed on June 30, 2008. Runoff from the project site will eventually be discharged into Kintzele Ditch. Questions or comments should be directed to Kenneth J. Kraus, Haas & Associates, L.L.C. at (219) 872-9407.

# **SOIL EROSION CONTROL CONSTRUCTION SEQUENCE**

1. INSTALL SEDIMENT CONTROL MEASURES:  
  
CE CONSTRUCTION ENTRANCE  
SF SILT FENCE
2. PRESERVE AND PROTECT EXISTING VEGETATION
3. REMOVE UNWANTED VEGETATION/GRADE  
SITE/STOCKPILE SOIL
4. INSTALL STORM WATER MANAGEMENT MEASURES IN  
RETENTION AREAS:  
  
BF BARRIER FILTER (IF NECESSARY)  
PS PERMANENT SEEDING
5. CONSTRUCTION WORK  
  
CB CATCH BASIN
6. VEGETATIVE COVER OR APPROPRIATE ACCEPTED  
MEASURES ON ALL AREAS LIKELY TO  
REMAIN INACTIVE LONGER THAN 15 DAYS, CONTINUING  
THROUGHOUT THE ENTIRE CONSTRUCTION PROCESS.
7. INSTALL SUB-BASE GRAVEL AND FINAL GRAVEL
8. FINAL GRADING OF SITE
9. PERMANENT VEGETATIVE STABILIZATION  
OF ALL EXPOSED AREAS:  
  
PS PERMANENT SEEDING  
SO SODDING
12. PERFORM CONTINUOUS MAINTENANCE